

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
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KATHLEEN VIGIL CLERK OF THE COURT
Kayla Vigil

STATE OF NEW MEXICO
COUNTY OF SANTA FE
First JUDICIAL DISTRICT COURT

Juan Romero,

Plaintiff,

vs.

Case assigned to Ellenwood, Kathleen McGarry

Cause No. D-101-CV-2022-01346

Ensign United States Drilling (S.W.) Inc.; and
Ensign US Southern Drilling LLC,

Defendants.

PLAINTIFF'S COMPLAINT FOR PERSONAL INJURIES

Plaintiff, Juan Romero, by and through his attorneys, Arnold & Itkin LLP, files this complaint against Defendants Ensign United States Drilling (S.W.) Inc.; and Ensign US Southern Drilling LLC, (collectively, "Defendants") and alleges the following:

I.
PARTIES

1. Plaintiff Juan Romero is a resident of New Mexico.
2. Defendant Ensign United States Drilling (S.W.) Inc. is a foreign profit corporation that is headquartered in Harris County, Texas, but its business in New Mexico caused Plaintiff's personal injuries. Defendant Ensign United States Drilling (S.W.) Inc. may be served with process through its registered agent in New Mexico, CT Corporation System, 206 South Coronado Avenue, Espanola, New Mexico, 87532-2792.

3. Defendant Ensign US Southern Drilling LLC is a foreign limited liability company that is headquartered in Harris County, Texas, but its business in New Mexico caused Plaintiff's personal injuries. Defendant Ensign US Southern Drilling LLC may be served with process through its registered agent in New Mexico, CT Corporation System, 206 South Coronado Avenue, Espanola, New Mexico, 87532-2792.

II. JURISDICTION AND VENUE

4. This cause of action is based upon actions and/or omissions to act by Defendants and their agents and/or employees which occurred in New Mexico.

5. This Court has jurisdiction over the parties hereto and the subject matter herein.

6. Venue is proper in this Court pursuant to NMSA 1978 § 38-3-1(F), where the statutory agent designated by the foreign corporation resides.

III. FACTUAL ALLEGATIONS

7. Plaintiff hereby incorporates and restates paragraphs 1 through 6 of his Complaint herein by reference.

8. On or about July 7, 2022, Plaintiff Juan Romero was employed by Defendants working at a drilling site in San Juan County, New Mexico, owned/operated by Defendants. On or about that day, Plaintiff was violently struck in the head with a pipe when Defendants' forklift driver recklessly jacked up a rack on the drilling site. Plaintiff life was catastrophically altered following the incident.

9. Plaintiff lost consciousness for a short period of time following the incident. Defendants made Plaintiff continue working without medical attention. In addition, Plaintiff sustained serious injuries to his brain, back, head, neck, shoulder, knees, ankles, and other parts of his body.

10. Following the incident, Barry McLemore and John Kraatz, employees of Ranger Energy Services, LLC, prepared investigation reports relating to the incident and communicated with the New Mexico OSHB office about the incident.

IV. CAUSES OF ACTION

11. Plaintiff hereby incorporates and restates paragraphs 1 through 10 of his Complaint herein by reference.

12. Defendants are negligent, negligent *per se*, grossly negligent, and liable pursuant to *Delgado v. Phelps Dodge Chino, Inc.*, 34 P.3d 1156 (N.M. 2001) and its progeny for the following reasons:

- a. Engaging in intentional acts and/or omissions that a reasonable person would expect injury to occur from;
- b. Engaging in intentional acts and/or omissions without ever considering the consequences and/or risk from the acts and/or omissions;
- c. Requiring Plaintiff to perform a task that Defendant should clearly have been aware that there is a substantial likelihood that Plaintiff would suffer injury from performing the task;
- d. failure to provide a safe work place;
- e. failure to detect that the equipment in question was inadequate and not fit for use;
- f. failure to properly inspect the equipment in question;

- g. failure to properly supervise their crew;
- h. failure to properly train their employees;
- i. failure to properly secure the area surrounding the subject equipment prior to its use;
- j. failure to properly supervise the setup of the equipment;
- k. failure to provide proper instruction for the use of the equipment;
- l. failure to warn those individuals at the work site that the equipment in question was dangerous;
- m. violating applicable state, local, and federal laws, rules and regulations, including, but not limited to, OSHA, and
- n. other acts deemed negligent and grossly negligent.

13. As a result of said occurrences, Plaintiff sustained severe injuries to his body, brain, and mind, which resulted in physical pain, mental anguish, and other medical problems. Plaintiff has sustained severe pain, physical impairment and disfigurement, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiff's physical pain, physical impairment and mental anguish will continue indefinitely. Plaintiff has also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will incur pharmaceutical and medical expenses in connection with his injuries.

14. In addition, Plaintiff is entitled to punitive damages because the aforementioned actions of Defendants were willful, wanton, reckless and grossly negligent. Defendants acted with flagrant and malicious disregard of Plaintiff's and others' health and safety. Defendants were objectively aware of the extreme risk posed by the conduct which caused Plaintiff's injury, but did nothing to rectify them. Defendants' acts and omissions involved an extreme

degree of risk considering the probability and magnitude of potential harm to Plaintiff and others. Defendants had actual, subjective awareness of the risk, and consciously disregarded such risk. Accordingly, Plaintiff is entitled to and seeks exemplary damages.

**V.
JURY DEMAND & PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests a trial by jury on all issues and prays for damages against Defendants for the following categories of damages:

- a. Past and future medical expenses;
- b. Past and future pain and suffering;
- c. Past and future economic loss from lost wages and/or reduced earning capacity;
- d. The mitigating or aggravating circumstances attending the wrongful act;
- f. Punitive damages;
- g. Cost of this action;
- h. Post judgment and pre-judgment interest; and
- i. Any and all other relief the Court deem just and proper.

Respectfully submitted,

ARNOLD & ITKIN LLP

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